

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

HARTFORD CAS. INS. CO.,

Plaintiff,

vs.

No. 12-cv-1110 MV/SMV

**TRINITY UNIVERSAL INS. CO. OF
KAN., TRINITY UNIVERSAL INS. OF
KAN., TRINITY UNIVERSAL INS.
CO., and ZURICH AM. INS. CO.,**

Defendants;

and

**ZURICH AM. INS. CO.,
TRINITY UNIVERSAL INS. CO. OF KAN.
and TRINITY UNIVERSAL INS. CO.,**

Third Party Plaintiffs,

vs.

**MOUNTAIN STATES MUT. CAS. CO.
and TWIN CITY FIRE INS. CO.,**

Third Party Defendants;

and

MOUNTAIN STATES MUT. CAS. CO.,

Third Party Plaintiff,

vs.

**TRINITY UNIVERSAL INS. CO. OF
KAN., TRINITY UNIVERSAL INS.
CO., and JOHN DOES I-V,**

Third Party Defendants.

**ORDER GRANTING MOTION FOR SCHEDULING CONFERENCE
AND INITIAL SCHEDULING ORDER**

THIS MATTER is before the Court on Defendant Zurich American Insurance Company's ("Zurich") Unopposed Motion for Status/Scheduling Conference [Doc. 109], filed on July 16, 2014. Defendant Zurich requests the setting of a Rule 16 scheduling conference. The Court, noting that the motion is unopposed, finds that the motion is well-taken and shall be GRANTED.

This case is assigned to me for scheduling, case management, discovery, and all non-dispositive motions. Both the Federal Rules of Civil Procedure, as amended, as well as the Local Rules of the Court apply to this lawsuit. Civility and professionalism will be required of counsel. Counsel shall read and comply with "A Lawyer's Creed of Professionalism of the State Bar of New Mexico."

The parties, appearing through counsel or pro se, will "meet and confer" no later than **August 18, 2014**, to formulate a Provisional Discovery Plan. Fed R. Civ. P. 26(f). The time allowed for discovery is generally 150 to 180 days and will run from the Rule 16 initial scheduling conference. Initial disclosures under Fed R. Civ. P. 26(a)(1) shall be made within fourteen days of the meet-and-confer session.

The parties will cooperate in preparing a Joint Status Report and Provisional Discovery Plan ("JSR"), following the sample JSR available at the Court's web site. The blanks for suggested/proposed dates are to be filled in by the parties. Actual case management deadlines will be determined by the Court after consideration of the parties' requests. Plaintiff (or Defendant in removed cases) is responsible for filing the JSR by **September 2, 2014**.

Parties may not modify case management deadlines on their own. Good cause must be shown and the Court's express and written approval obtained for any modification of the dates in the scheduling order that issues from the JSR.


A Rule 16 initial scheduling conference will be held by telephone on **September 23, 2014, at 1:30 p.m.** Parties shall call Judge Vidmar's Teleconference Line at **(215) 446-3656**, using code **4382538**, to be connected to the proceedings. Counsel shall be prepared to discuss the following: discovery needs and scheduling, all claims and defenses, the use of scientific evidence and whether a *Daubert* hearing is needed, *see Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579, 590–92 (1993), initial disclosures, and the timing of expert disclosures and reports under Fed R. Civ. P. 26(a)(2). We will also discuss settlement prospects, alternative dispute resolution possibilities, and consideration of consent pursuant to 28 U.S.C. § 636(c). Client attendance is not required.

Pre-trial practice in this case shall be in accordance with the foregoing.

IT IS THEREFORE ORDERED that Defendant Zurich American Insurance Company's Unopposed Motion for Status/Scheduling Conference [Doc. 109] is **GRANTED**.

IT IS FURTHER ORDERED that the deadlines shall be as follows:

Meet and Confer by:	Aug. 18, 2014
JSR filed by:	Sept. 2, 2014
Initial Disclosures due within 21 days of the meet-and-confer session, but in no event later than:	Sept. 9, 2014
Telephonic Rule 16 Initial Scheduling Conference:	Sept. 23, 2014, at 1:30 p.m.



STEPHAN M. VIDMAR
United States Magistrate Judge